

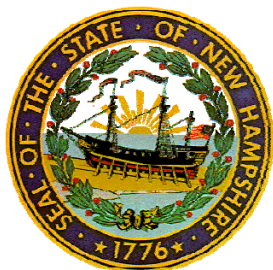


*Helping Communities face the challenge and impacts of growth while maintaining community character and a sense of place.*

## 2008 Updated Guide to NH Land Use Laws

The laws that govern in New Hampshire are called Revised Statutes Annotated, or RSAs. They are organized into 64 Titles from Title 1, “The State and its Government” to Title 64, “Planning and Zoning.” Each Title is divided into Chapters and Sections, which house the specific regulatory provisions. The Statutes are called “annotated” because they include history, case law, and other relevant explanations at the end of each section. RSAs are usually cited by chapter, section number, and specific paragraphs. For example, RSA 672:1, I refers to Chapter 672, section 1, paragraph 1: “Planning, zoning and related regulations have been and should continue to be the responsibility of municipal government.”

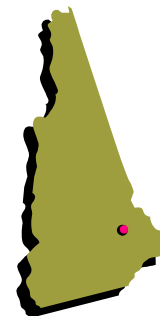
iTRaC is the Nashua Regional Planning Commission’s new approach to community planning that focuses on integrating transportation, land use and environmental planning. The program was developed to assist communities in dealing with the challenges of growth in a coordinated way that sustains community character and a sense of place.



### Take Note!

NH municipalities do not have “home rule!”

Municipalities have only the authority that is specifically granted to them by the legislature; they cannot exercise authority on their own.



## Title 64 ~ Planning & Zoning

NH Land Use Laws consist of the 6 chapters found in Title 64 “Planning and Zoning”

**General Provisions: Chapter 672** ~ Establishes the general provisions governing planning, zoning and land use boards and defines key words and phrases such as: Abutter (672:3), Local Legislative Body (672:8), Local Land Use Board (672:7), Local Governing Body(672:6), and Subdivision (672:14)

**Local Land Use Boards: Chapter 673** ~ Authorizes creation of local boards: Planning Board (673:2), Zoning Board of Adjustment (673:3), Historic District Commission (673:4), and Heritage Commissions (673:4-a)

**Planning & Regulatory Powers: Chapter 674** ~ Sets forth the duties and authority of local land use boards to develop planning documents and regulations such as the Master Plan (674:1-4), Zoning Board of Adjustment (674:33-34), Capital Improvements Program (674:5-8), Subdivision Regulation (674:35-44), Zoning (674:16-23), Site Plan Regulations (674:43-44), Historic District (674:45-50), Governmental Use of Property (674:54)

**Enactment and Adoption Procedures: Chapter 675** ~ Defines how local regulations are established

**Administrative and Enforcement Procedures: Chapter 676** ~ Deals with land use board operations; the use of building permits; what happens when state and local regulations conflict; and various types of penalties and relief for violations

**Rehearing and Appeal Procedures: Chapter 677** ~ Addresses the rehearing procedures; appeal and court review of board of adjustment, local legislative body, planning board, building code board of appeals and historic district commission decisions; and the process for a court to deal with invalid ordinances



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Updated October 2008

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## Recent Zoning Changes

**Time limits on design review ~ RSA 676:4, II(b)** Allows the Planning Board to establish reasonable rules of procedure relating to the design review process, including submission requirements. In addition, sets forth procedure for Planning Boards to declare the end of the design review process in a public meeting (effective date 8/19/2008).

**Master Plan Energy Chapter ~ RSA 674:2, III(n)** Adds an energy section as a recommended section of a community's master plan (effective date 8/25/2008)

**Small wind energy systems ~ RSA 674:58** Adds a new subdivision that prevents municipalities from unreasonably regulating the installation of small wind energy systems or unreasonably hindering the performance of such installations by prohibiting their use in all districts in a community, using a generic height ordinance, requiring a setback of more than 150% of the system height, setting noise levels lower than 55 decibels, or setting electrical or structural design criteria that exceed applicable state, federal or international building or electrical codes or laws (effective date sections 1-3 7/11/2009, remainder effective date 7/11/2008).



**Growth Management Ordinances ~ RSA 674:22 and 23** Requires the Planning Board to conduct a study of the municipality's projected growth rate and the municipality's need for additional services to accommodate such growth. Establishes specific provisions that must be contained in a growth management ordinance, and requires the board or CIP committee to develop a plan for the orderly and rational development of municipal services needed to accommodate anticipated normal growth. Requires annual review and report by the planning board to confirm that reasonable progress is being made to carry out the plan. (effective date 7/11/2008)

**Right to Know Law ~ RSA 91-A** Clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business. Also clarifies communications outside a meeting for the purposes of RSA 91-A (effective date 7/1/2008)

**Workforce Housing ~ RSA 674:58** Requires communities to allow workforce housing in a majority of the land area that is zoned for residential use. In addition, a municipality must allow rental multi-family housing (defined as 5 or more units) in some areas of the community (effective date July 1, 2009).



\*For a complete list please visit:

[www.nashuarpc.org/itrac/PDF\\_files/presentations/ZBA\\_10.7.08/legislative\\_bulletin\\_planning\\_zoning.pdf](http://www.nashuarpc.org/itrac/PDF_files/presentations/ZBA_10.7.08/legislative_bulletin_planning_zoning.pdf)

\*For assistance implementing these changes contact Kerrie Diers, Assistant Director, at [kerried@nashuarpc.org](mailto:kerried@nashuarpc.org) or 424-2240.

### Where do laws come from?

**Statutes** ~ Developed by the State legislature and may pre-empt, or overrule, local regulations (remember—NH municipalities have no “home rule”!)

**Administrative Rules** ~ State agencies develop administrative rules to carry out their duties as set forth under the Statutes

**Ordinances** ~ Legislative body of a local government (example: annual town meeting, town council or Board of Aldermen) votes to enact local ordinances

**Regulations** ~ Administrative body (ex. Planning Board) develops regulations to implement ordinances

